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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/776,285 | 02/12/2004 | Koki Hayashi | Y2238.0058 | 3511 |
| 32172 | 7590 | 11/28/2006 | | |
| DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714 | | | EXAMINER MEHRPOUR, NAGHMEH | |
| | | | ART UNIT 2617 | PAPER NUMBER |

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/776,285

Applicant(s)

HAYASHI ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see the attachment.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure Submitted on 11/02/06 have been considered by the examiner (see attached PTO-1449

Response to Arguments

2. Applicant's arguments filed 11/02/06 have been fully considered but they are not persuasive.

In respond to the applicant's argument *that "Trossen does not teach that transfer from te mobile node to a gateway, as in the present application"*, the examiner asserts that Trossen as cited in the rejection of claim 1, on paragraph, 0012, and 0013, teaches a user of a mobile node MN1 moving along a road and utilizing a streaming application with a specific bandwidth. Through the specified potential next access router discovery the capability of the selected target access router to support said bandwidth may be verified. However, before the initiation of the network layer handover of the mobile node MN1, another mobile node MN2 may have already been handed off to the selected target access router, and the resulting available bandwidth in the access router is lower than what is necessary for a successful continuation of the ongoing session in the mobile node MN1. The result of such a situation is degradation or even teardown of the session of MN1 at handover. As another example, a user of a mobile

Art Unit: 2617

node moving along a certain road, and crossing a sequence of access routers and administrative domains. Somewhere along this route the user may also need to cross a technology boundary from 2 G to 3 G, which means that a specific transcoding functionality is needed because of the different bandwidth capabilities of the traversed networks. However, it is possible that at the time of the actual handover the transcoding functionality is no longer available for the mobile node. It is also possible that the discovery of the transcoding element may take too much time for the relocation to happen without disruption. In such a case, the handoff will severely disrupt the active service. In addition Trossen further does teach in FIG. 2, that the received application context information is stored in the current access router 114. In step 2-3, the mobile node 111 generates a triggering message for initiating the transfer of application context from the current access router 114 to a potential next access router 122. In this embodiment the two signals, the one (step 2-1) for delivering the application context information to the current access router 114, and the one (step 2-3) for triggering the application context information from the current access router 114 to one or more potential next access routers are shown as separate signalling events initiated by the mobile node 111. Furthermore, it is anticipated that the time elapsed between the two signalling events (2-1, 2-3) changes dynamically according to the state of the mobile node, i.e. it is dependent on the actual behaviour of the user, as well as on the implementation-specific settings of the network on how it is configured to respond to the behaviour of the user by its mobility management functionality.

It is also possible that the two signals are combined, i.e. that the first signal (step 2-1) also acts as a trigger, and the application context information transfer from the current access router 114 is initiated in response of the received application context information from the mobile node 111.

Conclusion

3. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

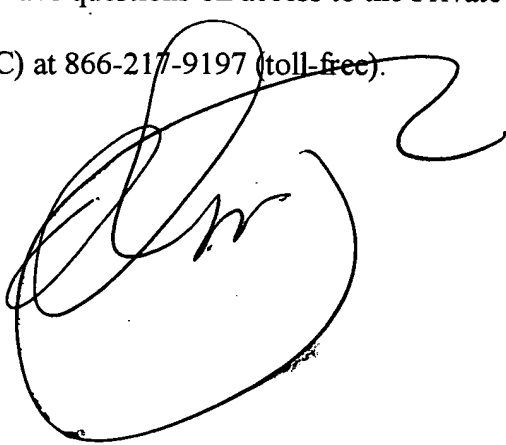
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro be reached (571) 272-7876.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

November 14, 2006

A large, stylized handwritten signature in black ink, likely belonging to the examiner or supervisor mentioned in the text.